

MONDAY, JANUARY 31, 2000

FORTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Enoch Fuzz, Corinthian Baptist Church, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Fowlkes; illness.

Representative McAfee; family illness.

Representative Walker; family illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 398: Rep(s). Naifeh as prime sponsor(s).

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House Bill No. 2117: Rep(s). Godsey as prime sponsor(s).

House Bill No. 2215: Rep(s). White as prime sponsor(s).

House Bill No. 2356: Rep(s). Dunn as prime sponsor(s).

**MESSAGE FROM THE SENATE
January 31, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 571 and 574; all adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 571 -- Memorials, Sports - Tennessee Titans, 1999 AFC Champions. by *Harper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 574 -- Memorials, Personal Achievement - Elizabeth Jane Chedester, Miss Knoxville 2000. by *Atchley, *Burchett.

**MESSAGE FROM THE SENATE
January 31, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 558, 559 and 560; all adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 558 -- Memorials, Recognition - Vanderbilt Science Communications program. by *Henry, *Cohen, *Harper.

Senate Joint Resolution No. 559 -- Memorials, Death - Felix Wilson. by *Henry, *Haynes, *Rochelle, *Harper.

Senate Joint Resolution No. 560 -- Memorials, Death - James Monroe Brown. by *Harper, *Dixon, *Haynes, *Rochelle.

PERSONAL ORDERS

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 555 out of order, which motion prevailed.

Senate Joint Resolution No. 555 -- General Assembly, Joint Conventions - State of the State address, January 31, 2000. by *Atchley.

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On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 411 -- Memorials, Recognition - Hunters, fishers and people who protect and produce game and fish. by *Bittle, *Ridgeway, *McCord, *Westmoreland.

House Conservation and Environment Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 2, 2000:

House Joint Resolution No. 380 -- Memorials, Professional Achievement - M. Lee Smith Publishers, LLC, 25th anniversary. by *Sargent.

House Joint Resolution No. 415 -- Memorials, Retirement - Joel K. Seal, Chief of Police. by *Ford S.

House Joint Resolution No. 416 -- Memorials, Retirement - Dr. Kermit Bowling, Volunteer State Community College. by *McDonald, *Black.

House Joint Resolution No. 417 -- Memorials, Death - William Kenneth Neal. by *Bone, *Beavers.

House Joint Resolution No. 419 -- Memorials, Personal Occasion - Clyde and Ruth Lindsay, 65th wedding anniversary. by *Baird.

House Joint Resolution No. 423 -- Memorials, Death - John Harold Robinson. by *Chumney, *DeBerry J, *Jones U (Shelby), *Turner (Shelby), *Bowers, *Kernell.

House Joint Resolution No. 424 -- Memorials, Death - Don Lee Overton. by *Chumney, *Turner (Shelby), *DeBerry J, *Jones U (Shelby), *Bowers, *Brooks, *Cooper B, *Towns, *Kernell, *Todd.

House Joint Resolution No. 425 -- Memorials, Death - Fred Ford. by *Cooper B, *Miller L, *Towns, *DeBerry J, *Jones U (Shelby), *Turner (Shelby), *Bowers, *Kernell, *Todd, *Brooks.

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House Joint Resolution No. 426 -- Memorials, Public Service - A.C. Wharton, Shelby County Public Defender. by *Cooper B, *Miller L, *Towns, *DeBerry J, *Jones U (Shelby), *Turner (Shelby), *Bowers, *Chumney, *Kernell, *Todd, *Brooks.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 2, 2000:

Senate Joint Resolution No. 571 -- Memorials, Sports - Tennessee Titans, 1999 AFC Champions. by *Harper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 558 -- Memorials, Recognition - Vanderbilt Science Communications program. by *Henry, *Cohen, *Harper.

Senate Joint Resolution No. 559 -- Memorials, Death - Felix Wilson. by *Henry, *Haynes, *Rochelle, *Harper.

Senate Joint Resolution No. 560 -- Memorials, Death - James Monroe Brown. by *Harper, *Dixon, *Haynes, *Rochelle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2724** -- Law Enforcement - Requires commissioner of safety, each sheriff and each chief of police to file certain monthly reports with the attorney general; requires attorney general to analyze such reports to determine whether racial profiling is occurring. Amends TCA Title 4, Chapter 7, Part 1; Title 6, Chapter 54 and Title 8, Chapter 8, Part 2. by *Brooks.

House Bill No. 2725 -- Teachers, Principals and School Personnel - Specifies that teacher employed as probationary teacher for 1997-1998 school year and apprentice teacher for 1998-1999 and 1999-2000 school years will be considered as having met three apprentice year requirement. Amends TCA Section 49-5-5003. by *Pleasant, *Hargett, *Davidson.

House Bill No. 2726 -- Alcoholic Offenses - Clarifies that results of blood alcohol test required to be taken under implied consent law confidential unless released by person tested or required by district attorney as evidence in criminal case in which alcohol or drug content of such person's blood is relevant. Amends TCA Title 55, Chapter 10, Part 4. by *Beavers.

House Bill No. 2727 -- Highway Signs - "Middle Tennessee State Veterans Cemetery," I-40, Exit 192, Davidson County. by *Garrett.

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House Bill No. 2728 -- Criminal Offenses - Creates offense of financial exploitation of disabled adult or person over 60 punishable as theft but in no event less than Class E felony. Amends TCA Title 39, Chapter 14, Part 1; Section 68-11-1004; Section 68-11-1001 and Section 71-6-117. by *Caldwell.

***House Bill No. 2729** -- Workers' Compensation - Limits attorney fees in workers' compensation cases. Amends TCA Section 50-6-226. by *Cole (Dyer).

***House Bill No. 2730** -- Workers' Compensation - Prohibits requiring employer or insurer to pay for medical care rendered by non-panel provider. Amends TCA Section 50-6-204. by *Cole (Dyer).

***House Bill No. 2731** -- Workers' Compensation - Limits mental injury compensation to injury caused by physical injury; specifies percentage of permanent impairment that may be attributed to mental injury. Amends TCA Title 50, Chapter 6, Part 2. by *Cole (Dyer).

***House Bill No. 2732** -- Workers' Compensation - Establishes procedure to conserve settlements for future loss of earnings. Amends TCA Section 50-6-229 and Section 50-6-206. by *Cole (Dyer).

***House Bill No. 2733** -- Workers' Compensation - Eliminates certain duplication of payments in cases of temporary total disability. Amends TCA Section 50-6-207. by *Cole (Dyer).

House Bill No. 2734 -- Utilities, Utility Districts - Authorizes utility district providing gas service on 4/30/98 instead of 4/15/98, to provide such service within county or counties in which providing service on such date without further proceedings before county executive, board, other person or agency. Amends TCA Section 6-54-109; Section 7-82-302; Title 65, Chapter 25 and Section 67-6-102. by *Hargrove, *Cole (Dyer).

House Bill No. 2735 -- Alcoholic Beverages - Redefines "museum" for authorization of sale and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Pruitt, *West, *Langster, *Odum, *Jones, S., *Townes, *Briley, *Garrett, *Robinson, *Harwell, *Arriola, *Rinks, *Hargrove, *Turner (Hamilton), *Miller L, *Brown, *Jones U (Shelby), *Kerr, *DeBerry L, *Armstrong, *Brooks, *Rhinehart, *Bowers.

House Bill No. 2736 -- Telecommunications - Increases civil penalty for telecommunications service provider who changes providers for subscriber without that subscriber's permission from \$100 for each day of violation to \$1,000 for each day of violation; requires certain telecommunications service providers to file with Tennessee regulatory authority institutional surety bond or irrevocable letter of credit for \$20,000. Amends TCA Section 65-4-125. by *Hargrove.

House Bill No. 2737 -- Teachers, Principals and School Personnel - Allows retired teachers to resume teaching without loss of benefits under certain conditions. Amends TCA Title 8, Chapter 36, Part 8 and Title 49, Chapter 5. by *Davidson, *Hargrove.

House Bill No. 2738 -- Education - Requires certain actions by state department of education, state board of education, and Tennessee higher education commission to improve teaching of reading and literacy in Tennessee. Amends TCA Title 49, Chapter 1 and Title 49, Chapter 6. by *Williams (Williamson), *Hargrove.

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***House Bill No. 2739** -- Housing - Authorizes increase in number of commissioners of housing authority in cities of less than 100,000, if mayor determines that larger number of commissioners is necessary to assure adequate representation of populace; if increased, one commissioner to be resident of low-rent public housing for two year term or as long as person remains resident of low-rent public housing. Amends TCA Section 13-20-408. by *Gunnels.

House Bill No. 2740 -- Highways, Roads and Bridges - Expands type of signs permitted on scenic highways to include directional signs of eight square feet or less for churches and non-profit educational institutions; signs must be located off roadway or highway right-of-way. Amends TCA Section 54-17-109. by *Montgomery, *Kerr, *Baird.

House Bill No. 2741 -- Local Government, General - Authorizes municipalities and counties to obtain fingerprint sample and criminal history information from persons applying for employment and have TBI and may have FBI verify accuracy; costs to be paid by requesting government which may require reimbursement from person who accepts position. Amends TCA Title 5, Chapter 1, Part 1 and Title 6, Chapter 54, Part 1. by *Kisber.

House Bill No. 2742 -- Local Government, General - Authorizes municipalities and counties to obtain fingerprint sample and criminal history information from persons applying to work with or requiring proximity to children and to have TBI and may have FBI verify accuracy; costs to be paid by requesting government which may require reimbursement from person who accepts position. Amends TCA Title 5, Chapter 1, Part 1 and Title 6, Chapter 54, Part 1. by *Kisber.

House Bill No. 2743 -- TennCare - Clarifies the intent of general assembly to stabilize health care provider network, to work to assure that providers paid in timely manner, and to ensure that rural and urban healthcare facilities that serve TennCare enrollees remain viable. Amends TCA Title 71. by *Kisber.

House Bill No. 2744 -- Railroads - Deletes provisions of Chapter 450, Public Acts of 1999; restores prior law relative to maintenance and improvement contracts on railroads funded by department of transportation; eliminates competitive bidding requirements Amends TCA Title 7; 54; 55; 65; and 67. by *Kisber.

House Bill No. 2745 -- TennCare - Imposes due diligence duty to collect state's subrogation interest on managed care entity that incurred expense in absence of finding, in a given case, that collection costs exceed any reasonably likely recovery. Amends TCA Title 3; Title 56 and Title 71. by *Kisber.

House Bill No. 2746 -- TennCare - Revises fraud provisions in TennCare program. Amends TCA Title 38; Title 39; Title 56; Title 63; Title 68 and Title 71. by *Kisber.

House Bill No. 2747 -- Taxes, Sales - Restricts application of single article cap on local sales tax to sale and use of motor vehicles, aircraft and vessels (boats); defines "motor vehicle" and "vessel" for purposes of single article cap and addresses parts and accessories; defines "single article aircraft" for purposes of reduction in sales tax rate to 3 percent for amounts over \$100,000. Amends TCA Title 67. by *Kisber.

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House Bill No. 2748 -- Pensions and Retirement Benefits - Requires board of trustees of TCRS to review employer contribution rates for state employees and teachers and to increase rates if there are excess appropriations resulting from reduction in annual contribution requirements for fiscal year ending 6/30/00. Amends TCA Section 8-36-124. by *Kisber.

House Bill No. 2749 -- Drugs - Transfers dronabinol from Schedule II controlled substance to a Schedule III controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Rhinehart.

House Bill No. 2750 -- Lafayette - Subject to local approval, revises charter relative to compensation of mayor, election of mayor, appointment of city officials and other matters. Amends Chapter 325 of the Private Acts of 1945; as amended. by *Winningham, *Buck.

House Bill No. 2751 -- Scott County - Subject to local approval, increases maximum amount of compensation county service officer may be paid from \$15,000 per annum to \$17,000 per annum. Amends Chapter 599 of the Private Acts of 1951; as amended. by *Winningham.

House Bill No. 2752 -- Teachers, Principals and School Personnel - Provides that BEP funds for teachers' salaries shall be increased by percentage of consumer price index for previous year. Amends TCA Title 49, Chapter 3, Part 3. by *Winningham, *Davidson, *Towns.

House Bill No. 2753 -- Health, Dept. of - Requires commissioner to promulgate rules and regulations to set minimum health standards for public schools. Amends TCA Title 68, Chapter 1. by *Winningham.

House Bill No. 2754 -- Domestic Violence - Makes state surplus motor vehicles and forfeited motor vehicles available without cost to commissioner of human services for use by family violence shelters prior to sale or other disposition of vehicle. Amends TCA Title 12, Chapter 2, Part 4 and Title 40, Chapter 33, Part 2. by *Winningham.

House Bill No. 2755 -- Insurance, Health, Accident - Changes the date on which the certificates of authority of agents writing or soliciting contracts for hospital and medical service corporations come due from January 1 to February 1. Amends TCA Section 56-29-118. by *Walley.

House Bill No. 2756 -- Taxes, Privilege - Authorizes counties and municipalities to levy adequate facilities taxes on development within their boundaries. Amends TCA Section 13-7-110 and Section 13-7-208. by *Williams (Williamson).

House Bill No. 2757 -- Civil Procedure - Deletes certain offenses from list of qualifying offenses for declaration of motor vehicle habitual offender; provides procedure for person previously declared MVHO based on certain offenses to petition court for immediate restoration of driving privileges. Amends TCA Title 55, Chapter 10. by *Robinson.

House Bill No. 2758 -- Motor Vehicles, Titling and Registration - Requires person applying for registration or renewal of registration of motor vehicle to possess valid driver license to obtain registration plates or renewal decals; creates certain exceptions. Amends TCA Title 55, Chapter 4, Part 1. by *Robinson.

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House Bill No. 2759 -- Driver Licenses - Establishes installment plan administered by department of safety for fees associated with reinstatement or restoration of suspended or revoked driver license; adds Davidson County to counties authorized to establish payment plans for local fines or costs. Amends TCA Title 55. by *Robinson.

House Bill No. 2760 -- DUI/DWI Offenses - Increases from three to five years period of time which court may, in addition to other penalties, prohibit person from driving after second conviction for driving while intoxicated. Amends TCA Title 55, Chapter 10. by *Robinson.

House Bill No. 2761 -- Litter Control - Provides for public awareness program in TDOT on litter control to be known as the "Tennessee Trash Terminator" program. Amends TCA Title 54, Chapter 1. by *Robinson.

House Bill No. 2762 -- Litter Control - Increases fine for littering to \$500. Amends TCA Title 39, Chapter 14, Part 5. by *Robinson.

House Bill No. 2763 -- Litter Control - Provides that litter pick-up is always acceptable community work project. Amends TCA Title 41, Chapter 9, Part 1. by *Robinson.

***House Bill No. 2764** -- Litter Control - Provides for deposits on beverage containers. Amends TCA Title 68. by *Robinson.

House Bill No. 2765 -- Railroads - Requires railroad companies to provide signals at certain railroad crossings. Amends TCA Section 65-11-113. by *Robinson.

House Bill No. 2766 -- Dentists - Authorizes dental hygienists to administer nitrous oxide in accordance with rules and regulations and under the direct supervision of dentist. Amends TCA Section 63-5-108. by *Todd.

House Bill No. 2767 -- Dentists - Authorizes dental hygienists to administer local anesthetic or nitrous oxide under direct supervision of dentists. Amends TCA Section 63-5-108. by *Todd.

***House Bill No. 2768** -- Statutes - Codifies public acts of 1999. by *Hargrove.

House Bill No. 2769 -- Education, Higher - Redefines "proprietary information," "sponsored research or service" and "trade secrets"; modifies certain procedures for protecting confidential research records and materials handled by higher education institutions. Amends TCA Section 49-7-120; 10-7-504. by *Hargrove, *Davidson.

House Bill No. 2770 -- University of Tennessee - Provides that copyrighted computer materials held by state institution, the University of Tennessee, are not open to public inspection; provides that such materials produced by UT employees are open to audit inspections. Amends TCA Title 49, Chapter 9. by *Armstrong, *McDaniel.

***House Bill No. 2771** -- Budget Procedures - Enacts "Tennessee Strategic Planning Act of 2000" and "Tennessee Performance Based Budgeting Act of 2000." Amends TCA Title 9, Chapter 4 and Title 13, Chapter 5. by *Scroggs.

House Bill No. 2772 -- Meigs County - Subject to local approval, grants general sessions court domestic relations jurisdiction. by *Newton.

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House Bill No. 2773 -- Teachers, Principals and School Personnel - Authorizes teachers completing probationary period who are not re-employed to have hearing before board of education; board can grant tenure to teacher if finds it to be appropriate; limits teachers to back pay if do not receive required notice of dismissal or failure of reelection. Amends TCA Section 49-5-409. by *McMillan, *Jones U (Shelby), *Williams (Williamson), *Maddox.

House Bill No. 2774 -- Tennessee Student Assistance Corporation - Provides that loan reserves of Tennessee student assistance corporation must be maintained at minimum levels required by federal law. Amends TCA Title 49, Chapter 4. by *Davidson.

***House Bill No. 2775** -- Education - Provides that days of regular August and November elections are school holidays. Amends TCA Section 49-6-3004. by *Davidson.

House Bill No. 2776 -- Process, Service of - Permits any person not party and at least 18 years of age to serve process issued by courts of general sessions; establishes education and bonding requirement to be court approved private process server; and establishes annual continuing education requirement for private process servers Amends TCA Title 16, Chapter 15, Part 9. by *Boyer.

***House Bill No. 2777** -- Appropriations - Makes appropriations for the current fiscal year and for 2000-2001. by *Dunn, *Kerr.

House Bill No. 2778 -- Real Estate Agents and Brokers - Requires all real estate broker licenses to be renewed 60 days prior to expiration date of December 31 instead of renewal on or before expiration date. Amends TCA Title 62, Chapter 13. by *Kent.

House Bill No. 2779 -- Real Estate Agents and Brokers - Makes changes to renewal and registration requirements for real estate brokers and individuals who sell timeshares Amends TCA Section 62-13-307 and Title 66, Chapter 32. by *Kent.

House Bill No. 2780 -- Tennessee Regulatory Authority - Requires directors to serve alternating one year terms as chair instead of authority electing chair. Amends TCA Title 65, Chapter 1, Part 2. by *Hargrove, *Naifeh.

House Bill No. 2781 -- Business Organizations - Revises fee for profit or nonprofit corporation, LLC, LLP or LP to file agent's statement of change of registered office from fee of \$20.00 to fee of \$5.00 per corporation, LLC, LLP or LP, with \$20.00 minimum fee. Amends TCA Section 48-11-303(a)(9); 48-51-303(a)(9); 48-247-103(a)(10); 61-1-148(a)(7); 61-2-1207(a)(6). by *Hargrove.

House Bill No. 2782 -- Administrative Procedure - Revises time for appeal from initial order in contested case hearing from ten to 15 days; revises time for filing of petition for reconsideration of initial or final order from ten to 15 days. Amends TCA Section 4-5-315(b) and Section 4-5-317(a). by *Hargrove.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2608 -- Private Investigators -- House Government Operations Committee

House Bill No. 2609 -- Telecommunications -- House State and Local Government Committee

House Bill No. 2610 -- Consumer Protection -- House Consumer and Employee Affairs Committee

House Bill No. 2611 -- Telecommunications -- House Consumer and Employee Affairs Committee

House Bill No. 2612 -- Evidence -- House Judiciary Committee

House Bill No. 2613 -- Victims' Rights -- House Judiciary Committee

House Bill No. 2614 -- Radio and Television -- House State and Local Government Committee

House Bill No. 2615 -- Codes -- House Health and Human Resources Committee

House Bill No. 2616 -- State Government -- House State and Local Government Committee

House Bill No. 2617 -- Publications, State -- Caption Bill Held on House Desk

House Bill No. 2618 -- Victims' Rights -- House Judiciary Committee

House Bill No. 2619 -- Capitol -- House State and Local Government Committee

House Bill No. 2620 -- Capitol -- House State and Local Government Committee

House Bill No. 2621 -- State Government -- House State and Local Government Committee

House Bill No. 2622 -- Building Commission, State -- House State and Local Government Committee

House Bill No. 2623 -- Victims' Rights -- House Judiciary Committee

House Bill No. 2624 -- Witnesses -- House Judiciary Committee

House Bill No. 2625 -- Montgomery County -- Local Bill Held on House Desk

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House Bill No. 2626 -- Tort Liability -- House Judiciary Committee

***House Bill No. 2627** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

House Bill No. 2628 -- Fentress County -- Local Bill Held on House Desk

***House Bill No. 2629** -- Utilities, Utility Districts -- House State and Local Government Committee

House Bill No. 2630 -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

House Bill No. 2631 -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

House Bill No. 2632 -- Debtor Creditor Relations -- House Judiciary Committee

House Bill No. 2633 -- Civil Procedure -- House Judiciary Committee

House Bill No. 2634 -- Motor Vehicles, Titling and Registration -- Caption Bill Held on House Desk

House Bill No. 2635 -- State Symbols -- House State and Local Government Committee

House Bill No. 2636 -- Escheat -- House Judiciary Committee

House Bill No. 2637 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 2638 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 2639 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 2640 -- Firearms and Ammunition -- House Judiciary Committee

House Bill No. 2641 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 2642 -- Highway Signs -- House Transportation Committee

House Bill No. 2643 -- Corporations, For Profit -- House Judiciary Committee

House Bill No. 2644 -- Custody and Support -- House Children and Family Affairs Committee

House Bill No. 2645 -- Domestic Violence -- House Judiciary Committee

House Bill No. 2646 -- Criminal Offenses -- House Judiciary Committee

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- House Bill No. 2647** -- Sexual Offenses -- House Judiciary Committee
- House Bill No. 2648** -- Domestic Violence -- House Children and Family Affairs Committee
- House Bill No. 2649** -- Sexual Offenses -- House Judiciary Committee
- House Bill No. 2650** -- Highways, Roads and Bridges -- House Transportation Committee
- House Bill No. 2651** -- Sentencing -- House Judiciary Committee
- House Bill No. 2652** -- Sentencing -- House Judiciary Committee
- House Bill No. 2653** -- Firearms and Ammunition -- House Judiciary Committee
- House Bill No. 2654** -- Sexual Offenses -- House Judiciary Committee
- House Bill No. 2655** -- Sentencing -- House Judiciary Committee
- House Bill No. 2656** -- Drugs -- House Judiciary Committee
- House Bill No. 2657** -- Public Records -- House Judiciary Committee
- House Bill No. 2658** -- Drugs -- House Judiciary Committee
- House Bill No. 2659** -- Campaigns -- House State and Local Government Committee
- House Bill No. 2660** -- Election Laws -- House State and Local Government Committee
- House Bill No. 2661** -- Secretary of State -- House State and Local Government Committee
- House Bill No. 2662** -- Loan Companies and Short Term Lenders -- House Judiciary Committee
- House Bill No. 2663** -- Loan Companies and Short Term Lenders -- House Judiciary Committee
- House Bill No. 2664** -- Internet -- House Consumer and Employee Affairs Committee
- *House Bill No. 2665** -- Internet -- House Consumer and Employee Affairs Committee
- House Bill No. 2666** -- Corporations, For Profit -- House Judiciary Committee
- House Bill No. 2667** -- Unemployment Compensation -- House Consumer and Employee Affairs Committee
- House Bill No. 2668** -- Driver Licenses -- House Transportation Committee

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House Bill No. 2669 -- Taxes -- House Finance, Ways and Means Committee

***House Bill No. 2670** -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 2671 -- Holidays and Days of Special Observance -- House Consumer and Employee Affairs Committee

House Bill No. 2672 -- Criminal Procedure -- House Judiciary Committee

House Bill No. 2673 -- Local Government, General -- House State and Local Government Committee

House Bill No. 2674 -- Highway Signs -- House Transportation Committee

House Bill No. 2675 -- Signal Mountain -- Local Bill Held on House Desk

House Bill No. 2676 -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 2677 -- Public Records -- House Judiciary Committee

House Bill No. 2678 -- Environment and Conservation, Department of -- House State and Local Government Committee

House Bill No. 2679 -- Education -- House Education Committee

House Bill No. 2680 -- Teachers, Principals and School Personnel -- House Education Committee

***House Bill No. 2681** -- Juvenile Offenders -- House Children and Family Affairs Committee

House Bill No. 2682 -- State Government -- House Finance, Ways and Means Committee

House Bill No. 2683 -- Codes -- House Health and Human Resources Committee

House Bill No. 2684 -- Domestic Violence -- House Judiciary Committee

House Bill No. 2685 -- Domestic Violence -- House Children and Family Affairs Committee

House Bill No. 2686 -- TennCare -- House Commerce Committee

House Bill No. 2687 -- Weights and Measures -- House Agriculture Committee

House Bill No. 2688 -- Custody and Support -- House Children and Family Affairs Committee

House Bill No. 2689 -- Day Care -- House Health and Human Resources Committee

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- House Bill No. 2690** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2691** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2692** -- Day Care -- House Education Committee
- House Bill No. 2693** -- Day Care -- House Judiciary Committee
- House Bill No. 2694** -- Cooperatives -- House Commerce Committee
- House Bill No. 2695** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2696** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2697** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2698** -- Sentencing -- House Judiciary Committee
- House Bill No. 2699** -- Day Care -- House Health and Human Resources Committee
- House Bill No. 2700** -- State Government -- House State and Local Government Committee
- House Bill No. 2701** -- Courts, General Sessions -- House Judiciary Committee
- *House Bill No. 2702** -- Abortion -- House Health and Human Resources Committee
- House Bill No. 2703** -- Mental Health and Mental Retardation, Dept. of -- House Health and Human Resources Committee
- House Bill No. 2704** -- Unemployment Compensation -- House Consumer and Employee Affairs Committee
- House Bill No. 2705** -- State Government -- House State and Local Government Committee
- House Bill No. 2706** -- Education -- House Government Operations Committee
- House Bill No. 2707** -- Forest and Forest Products -- House Conservation and Environment Committee
- House Bill No. 2708** -- Telecommunications -- House Commerce Committee
- House Bill No. 2709** -- Explosives -- House Commerce Committee
- House Bill No. 2710** -- Taxes, Privilege -- House Conservation and Environment Committee

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House Bill No. 2711 -- Forest and Forest Products -- House Government Operations Committee

House Bill No. 2712 -- Forest and Forest Products -- House Conservation and Environment Committee

***House Bill No. 2713** -- County Government -- House State and Local Government Committee

House Bill No. 2714 -- TennCare -- House Commerce Committee

House Bill No. 2715 -- Civil Procedure -- House Judiciary Committee

House Bill No. 2716 -- Welfare -- House State and Local Government Committee

House Bill No. 2717 -- Massage -- House Health and Human Resources Committee

House Bill No. 2718 -- Explosives -- House Commerce Committee

House Bill No. 2719 -- Public Property -- House State and Local Government Committee

House Bill No. 2720 -- Financial Disclosure -- House State and Local Government Committee

House Bill No. 2721 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 2722 -- Municipal Government -- House State and Local Government Committee

House Bill No. 2723 -- Trusts -- House Judiciary Committee

CONSENT CALENDAR

House Resolution No. 127 -- Memorials, Sports - Tennessee Titans, AFC Championship & Super Bowl XXXIV. by *Jones U (Shelby), *DeBerry J, *DeBerry L, *Kerr, *Baird, *Todd, *Miller L, *Pleasant, *Cooper B, *Towns, *Pruitt, *Langster, *Hargett, *Jones, S., *Odom, *West, *Garrett, *Briley, *McMillan, *Turner (Shelby).

House Joint Resolution No. 410 -- Memorials, Sports - Donelson Christian Academy Varsity cheerleaders, FCC Champions. by *West.

House Joint Resolution No. 412 -- Memorials, Recognition - Odd Fellows and Rebekah Lodge, "Lights for Peace" ceremony. by *West.

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House Joint Resolution No. 413 -- Memorials, Sports - Covington High School baseball team, 1999 Class AA state champions. by *Naifeh.

House Joint Resolution No. 414 -- Memorials, Public Service - Terry Kimbro, H.C. Hardy Volunteer of the Year. by *Odom.

House Bill No. 2039 -- Maryville - Subject to local approval, creates office of finance director; revises duties of recorder. Amends Chapter 209 of the Private Acts of 1927. by *Kerr, *McCord. (SB2044 by *Clabough)

House Bill No. 2040 -- Hancock County - Subject to local approval, revokes authorization for residents to fish with nets for "rough fish" on Clinch and Powell rivers. - Repeals Chapter 374 of the Private Acts of 1953. by *Givens. (SB2081 by *Williams)

House Bill No. 2128 -- Henry County - Subject to local approval, repeals motor vehicle privilege tax - Repeals Chapter 134 of the Private Acts of 1983; as amended. by *Ridgeway. (SB2538 by *Herron)

House Bill No. 2201 -- Rutherford County - Subject to local approval, creates juvenile court. by *Eckles, *Hood. (SB2056 by *Womack)

House Bill No. 2215 -- Wayne County - Subject to local approval, authorizes hotel/motel tax. by *Tidwell.

House Bill No. 2349 -- Houston County - Subject to local approval, increases wheel tax for motorcycles from \$5.00 to \$10.00 and for other motor vehicles from \$15.00 to \$45.00. Amends Chapter 211 of the Private Acts of 1976. by *Ridgeway. (SB2190 by *Kurita)

House Bill No. 2362 -- Warren County - Subject to local approval, enacts "Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000.". by *Curtiss, *Rhinehart. (SB2170 by *Cooper)

House Bill No. 2515 -- Smyrna - Rewrites town charter; establishes town manager/commission form of government. Amends Chapter 284 of the Private Acts of 1915. by *Eckles, *Hood, *Beavers. (SB2930 by *Womack)

Senate Joint Resolution No. 546 -- Memorials, Recognition - Our Lady of Fatima Catholic Church, dedication. by *Clabough.

Senate Joint Resolution No. 548 -- Memorials, Professional Achievement - John Rose, President, Transcender Corporation, 1999 Music City Future 50 award winner. by *Rochelle, *Harper, *Springer, *Burks.

Senate Joint Resolution No. 550 -- Memorials, Heroism - Ray Champine. by *Herron.

Senate Joint Resolution No. 551 -- Memorials, Sports - 1999-2000 Martin Middle School cheerleading squad, National Cheerleading Association Divisional National Champions. by *Herron.

Senate Joint Resolution No. 552 -- Memorials, Death - William Hunt. by *Herron.

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Senate Joint Resolution No. 553 -- Memorials, Professional Achievement - David Brooks, System Winner, 1999 Science Educator of the Year Program. by *Herron.

Senate Joint Resolution No. 554 -- Memorials, Public Service - Dr. Charles Smith, Chancellor, Board of Regents. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

RESOLUTION WITHDRAWN

Rep. U. Jones moved that House Resolution No. 127 be withdrawn from the House, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2515: by Rep Eckles

Under the rules, House Bill No: 2515 was/were placed at the foot of the calendar for February 2, 2000.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Bowers moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 418 out of order, which motion prevailed.

House Joint Resolution No. 418 -- Memorials, Death - Gerald L. Crowder. by *Bowers.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bowers, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Ridgeway, **House Bill No. 2001** was withdrawn from the House.

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 421 out of order, which motion prevailed.

House Joint Resolution No. 421 -- Memorials, Death - Oney J. Naifeh. by *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 420 out of order, which motion prevailed.

House Joint Resolution No. 420 -- Memorials, Professional Achievement - Dorothy Shell, commissioner of personnel. by *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted.

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A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Boyer moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 574 out of order, which motion prevailed.

Senate Joint Resolution No. 574 -- Memorials, Personal Achievement - Elizabeth Jane Chedester, Miss Knoxville 2000. by *Atchley.

On motion of Rep. Boyer, the resolution was concurred in.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Supreme Court has filed the proposed amendments to the Rules of Civil Procedure, the Rules of Criminal Procedure, the Rules of Evidence, and the Rules of Appellate Procedure with the Clerk's Office and that the same are available for review.

ENGROSSED BILLS

January 31, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2039, 2040, 2128, 2201, 2215, 2362 and 2349, also, House Joint Resolution(s) No(s) 410, 412, 413, 414, 418, 420 and 421.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 31, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 408; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

January 31, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 401, 402, 403, 404, 405, 406 and 407; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

January 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2010, 2016, 2017, 2019, 2021, 2022, 2023, 2034 and 2036; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Rep. Hargrove moved that the House stand in brief recess, pursuant to Senate Joint Resolution No. 555, to meet with the Senate in Joint Convention for the State of the State Address by the Governor, at the conclusion of which the House stand in recess until 2:00 p.m., Wednesday, February 2, 2000, which motion prevailed.

IN JOINT CONVENTION

STATE OF THE STATE ADDRESS

MONDAY, JANUARY 31, 2000

The hour having arrived, set by Senate Joint Resolution No. 555, the Senate met with the House in Joint Convention for the purpose of hearing the Governor's State of the State address.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion of Senator Atchley, the Senate dispensed with Senate Roll Call.

On motion of Representative Rinks, the House dispensed with the House Roll Call.

The Clerk of the Senate read Senate Joint Resolution No. 555 authorizing the Joint Convention.

Rep. McDonald moved that Mr. President Wilder appoint a committee composed of six members of the Senate and six members of the House to notify the Governor that the Joint Convention was in session and awaiting his arrival.

Mr. President Wilder appointed Senators Clabough, Dixon, Elsea, Henry, Person, Womack, and Representatives Eckles, McCord, Maddox, Scroggs, Tidwell and Todd to escort the Governor. Representative Eckles served as Chair of the Committee.

.Without objection, the Joint Convention stood in recess pending arrival of the Governor.

BRIEF RECESS

The recess having expired, the Joint Convention was called to order by Mr. President Wilder.

Without objection, the roll calls of the Senate and House were dispensed with.

Representative Eckles was recognized at the entrance of the House Chamber.

Representative Eckles stated, "Mr. President, the Governor of the great state and home of the Tennessee Titans, Tennessee!"

Mr. President Wilder asked the Committee to Escort the Honorable Don Sundquist to please come forward.

Mr. President Wilder introduced the Honorable Don Sundquist.

MESSAGE BY GOVERNOR SUNDQUIST

"INVEST OR REGRESS"

Governor Wilder, Speaker Naifeh, Madame Speaker DeBerry, Members of the 101st General Assembly, Constitutional Officers, Justices of the Supreme Court, Attorney General Summers, Members of the Cabinet,

My fellow Tennesseans...

Before we begin I'd like to congratulate our AFC-Champion, Super Bowl team and performance yesterday in Atlanta. Their resilience and relentlessness are an inspiration to us all.

Titans owner Bud Adams and his wife Nancy, along with Coach Fisher and his wife Julie were unable to join us this evening, but let me just say how proud we are of every member of the team, a team that didn't really lose, it just ran out of time.

Let me begin by asking each of you: When you think ahead and envision the State of Tennessee in 10, 50 or 100 years, what do you see?

Do you see a state that is prosperous and proud because we cared enough to make tough decisions today? Did we take risks? Did we dream of being the best? Did we expect enough of ourselves?

I'm here this evening to report to you the state of our great State and to present to you a budget that doesn't just carry us through the next fiscal year, but a budget that's built on a vision for how Tennessee should proceed through this new Century.

Despite our differences, I believe we all want a state with low, fair taxes. I believe we all want a healthy start for our children, excellence in education, good jobs and a safe, clean and healthy place to live, raise families, work and retire.

For the last five years, the General Assembly and the executive branch have worked together to achieve these things. Thanks to our common vision we enacted one of the nation's toughest crime-fighting packages, cracked down on those that drink and drive and made Tennessee an all-around safer place to live.

We are being held up as a national model for our innovative highway safety programs and their resulting decreases in traffic fatalities. We made Tennessee the first state in the nation to connect all of its public schools and libraries to the Internet.

One million students and teachers now access over 10 million Internet pages a day. To that end, we also were the first state to install software that enables local school districts to block access to inappropriate web sites.

Through Families First, we helped thousands of Tennesseans off welfare.

Over in Rutherford County, for example, a young mother named Melynda was unable to work because of complications from the birth of her third child. With nowhere else to turn, she enrolled in Families First.

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From there, she was sent to a job training course, where talk of her medical condition surfaced, and Melynda was referred to a local doctor.

Thanks to TennCare coverage Melynda received medical treatment that her doctor said saved her life. With her health back, she was able to get her kids into day care, complete her job training, get back into the workforce and get off public assistance.

Because of our comprehensive approach, thousands of others just like Melynda have traded in self-doubt for self-sufficiency.

In the last five years we also brought Tennessee's immunization rates to an all-time high and took our infant mortality and teen pregnancy rates to all-time lows.

We became the first state in the nation to make health insurance coverage universally available to children. And while the gap between the rich and the poor grew in most parts of the country during the past decade, Tennessee this month was recognized as one of just three states where that gap narrowed significantly.

While the incomes of all Tennesseans grew during that time, the incomes of our poorest families grew by 23 percent.

We just experienced the fifth straight year of record levels of private investment in our state, a record \$6 billion last year and an astounding \$23.7 billion during my time as governor.

That has meant the creation of more than 160,000 new jobs. Welfare roles have dwindled to their lowest levels in 20 years.

I want to thank this General Assembly for making good on its commitment to support the Spallation Neutron Source in Oak Ridge.

That \$1.3 billion facility will attract some of the best minds in the world. The research conducted there will benefit Tennessee's automotive, chemical and medical industries, just to name a few.

We can all be proud of this wise investment in Tennessee's future.

Thanks to our shared vision and bipartisan leadership, we helped build the stadium that's now home to the AFC-Champion Super Bowl team, our very own Tennessee Titans.

Just imagine if we would have missed the opportunity to invest in the Titans. Some people criticized the state's involvement. In the end, though, we did what we knew was good for Tennessee, and we made a wise investment.

Imagine, if you will, all the opportunities we will miss if we fail to make equally wise choices this year when it comes to education, teachers, health care, our state employees and public safety.

Let me ask you again: What kind of state do we want Tennessee to be? Because it's only after we agree on an answer that we can move forward.

Where will Tennessee rank in this fast-paced, global-economy? How will Tennessee compare with the rest of the nation when we enter the 22nd Century?

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I can tell you where we are today. Because of the investments we've made, more Tennesseans are employed now than ever before. More Tennesseans have health-care coverage than ever before, including half a million children.

We've doubled our investment in K through 12 education, and we're making progress. The General Assembly, in conjunction with Governors Winfield Dunn, Lamar Alexander and Ned McWherter, set goals for K through 12. We've honored that commitment and watched our test scores, and our standards, rise.

We can't stop now. We can't stop investing in the progress we're making. Our roads are adequately funded, and that's why they're among the best in the nation.

With adequate funding, we could say the same about our higher education system and our TennCare program.

The only way we can make those investments is to change our outdated tax structure so it can keep up with the changing needs of our state. Tennesseans spend a smaller percentage of their personal income on taxes than any other state in the nation. The reason Tennessee is talking about a budget deficit while many other states are experiencing surpluses is because those states rely on a combination of income, sales and property taxes. Their tax systems adjust to the economy. Ours does not.

Tennessee also is growing in nearly every way. Many of the states with surpluses have few demographic pressures on spending because of slow population growth and stable or declining school enrollments.

The opposite is true in Tennessee.

We must decide whether we want to take pride in the history we are creating. Do we really want the history books to reflect the year 2000 as the year that Tennessee began to fail Tennesseans?

I know what I want.

I want the children that we lead out of poverty today to grow into tomorrow's bold leaders. I want to prepare them to help take Tennessee to the top of every performance category instead of to the bottom. I want to help our public universities become places that attract our best and brightest students. Last year, only 18 percent of Tennessee's best and brightest high-school seniors even applied to our public colleges and universities.

Too many choose to take their brainpower and promise beyond Tennessee's borders. This is a trend we must reverse.

I want us to invest in our future, not divest our interest in it. The budget I present to you this evening does just that.

It is a budget that is both fiscally and morally responsible, one that meets the baseline needs of state government and invests in the kinds of forward-looking initiatives that I believe are necessary to keep Tennessee competitive.

It is a budget that invests in our most valuable asset, our children.

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When you look closely at the portion of the budget that the state actually controls, you're only talking about a little more than \$7 billion. If you take out all the things that we have to fund, things like education, the criminal justice system, and TennCare, we're left with less than a billion dollars.

All of the revenue growth we do experience is spoken for – by the federal Medicaid entitlement, by the 1980's court orders to improve prison conditions, by court decrees concerning our mental retardation system, by last decade's court-driven increase in public school funding, and more. I propose continued investment in our schools and universities. I propose continued investment in our teachers and state employees. I propose continued investment in the overall health of our citizens.

My budget provides for added investment in each of these critical areas.

First, I want to invest \$12 million in the kinds of kid-tested, parent-approved Early Childhood Development programs that have proven to work in Tennessee.

Second, I want to invest \$88 million in K through 12, including \$27 million to meet our funding obligations for the Basic Education Program.

Third, and I think foremost, I propose an investment of \$114 million in our state's higher education system.

This would be the first of a five-year excellence initiative, reflecting the recommendations of the Council on Excellence in Higher Education, the Tennessee Higher Education Commission, the University of Tennessee and the State Board of Regents.

Did you know that the share of state tax dollars being invested in higher education in Tennessee is at its lowest point in 25 years? When adjusted for inflation, our per-student expenditures decreased nearly \$1,500 from 1988 to 1998, the greatest decline of any state in our region.

Meanwhile, undergraduate tuition and fees at our public colleges and universities continue to increase dramatically.

We can't price our citizens out of a college education. We can't afford to stay 48th in the nation in the number of adults with a high school education. And we can't afford to stay 48th in the nation in the number of adults with a college degree.

Thanks to minimal pay raises over the past decade, the salaries of our professors languished, making it more and more difficult to attract and keep the kinds of bright, motivated faculty necessary to have first-rate colleges and universities.

We can't afford to let this trend continue, especially when it's crystal clear that tomorrow's jobs will require a far more educated and better-trained workforce than we have today.

We need that kind of workforce throughout Tennessee, including state government. To that end, my budget includes 3 percent pay raises for all our state employees plus an additional \$20 million to make up for inadequate pay scales in various departments of state government.

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Lastly, it's imperative that we invest an additional \$132 million in the state's health care program as well as another \$14 million to improve our mental health services and \$9 million for children in state custody.

During our administration we've cut the growth of government spending in half. Even with the improvements I've presented, this budget continues that trend.

There are fewer executive branch employees now than when I took office. The state's Rainy Day Fund has grown from \$101 million in 1994 to a proposed \$223 million by June of 2001.

I think the legislative and executive branches should be proud of the fact that we've been responsible enough, even when our revenues have failed to keep up with our growth, to set aside money to keep our state afloat when the economy slows. And it will slow down. When that happens, Tennessee's tax structure needs to be ready to handle it.

But instead of saying "reform taxes," many of you still say "cut."

Cut the budget. Cut services. Cut out the fat. I say to you, our administration does those things. Not a day goes by that we don't look for more efficient ways to run government and cut unnecessary spending.

As part of our ongoing attempt to operate more efficiently, this year we identified nine state parks where attendance was low and operational costs far outweighed revenue. Those parks will be closed.

In addition, 15 Department of Transportation garages across the state will be shut down and employees will be relocated to adjacent counties. This move will create more efficiency in our maintenance workforce and in equipment resources.

It is only through such responsible management that we have been able to continue to serve our citizens well. We're watching our spending and coming up with innovative ways to improve our state. Tennessee Looks Good to Me, for example, is a statewide clean-up initiative that relies almost entirely on private donations.

In our state departments, we've reduced the base operating budgets by more than \$392 million. We've instituted a strategic planning process for every department, making efficiency and performance our top goals.

We've made Tennessee one of the top six states in adapting technology to cut costs and improve services.

We're making it easier for citizens to access government. Birth and death certificates can be ordered on-line and soon, you'll be able to renew your driver's license and order specialty tags from your home computer.

With the proper funding, Tennessee is positioned to be a 21st Century leader in E-government.

Allow me to recognize two gentlemen who have been integral to our planning and technology advancements, Lou Kompare, executive director of the Center for Effective Government, and Bradley Dugger, head of the Office for Information Resources.

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Last fall, Mr. Dugger was named 1 of 10 national Public Officials of the Year. It was under his direction (and under budget, I might add), that the State of Tennessee ushered in the year 2000 without fear or folly.

Thank you, gentlemen, for your ingenuity and dedication.

We must continue these kinds of advancements. If we want to maintain Tennessee's momentum in the global economy we cannot overlook the clear, fiscal reality we face. I have been up front about that reality and have proposed several options. The reality is, that even in the midst of the best economic years we've ever seen, Tennessee's revenue cannot keep pace with the state's baseline budget demands.

That's why my 2000-2001 budget proposal contains a 3.75 percent flat tax on income, a reduction of the state sales tax from 6 percent to 3.75 percent, the elimination of the Hall income tax and the elimination of the state sales tax on food.

I support a constitutional amendment that would require a 60 percent vote of the General Assembly in order to increase the flat-tax rate.

As I've said before, even with these changes Tennessee will remain one of the lowest taxed states in the nation. Under my proposal, our total sales taxes will be lower than those in every one of our neighboring states.

We will be able to deduct what we pay in flat tax from our federal income taxes. People who work in Tennessee but live in other states will pay their share, contributing new money of \$114 million to our state coffers. Collectively, Tennesseans will pay less in taxes than they do right now.

That's reforming taxes, not raising taxes.

We can't, in good conscience, decide to fund this budget with an increase in our sales taxes when our sales tax burden is already the 7th highest in the country.

That doesn't even address the fact that it's a dying tax.

Just the other day, Martha told me about how the owner of a dress shop in town was falling prey to Internet competition.

People actually go into the dress shop, try on a dress to make sure they like it and that it fits, and then they go home and purchase it over the Internet.

The shop owner loses out on that sale, but so do state and local governments. When that sale is lost, so are the state and local taxes on that sale.

Considering Tennessee's reliance on the sales tax, a recent UT study found that untaxed Internet sales will hit our state harder than most. Estimates are that Tennessee lost \$34 million in tax revenue to e-commerce last year alone.

If we can't tax Internet sales at a time when people are dot-comming their way to everything from cars to cat food, where will we be in the future we envision?

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Where will we be when the very people who are successful in Tennessee but paying hardly anything in state taxes start escaping sales taxes, too?

It's ridiculous that we have senior citizens in this state who pay a greater percentage of their fixed incomes in taxes than our professionals and business executives, who make hundreds of thousands of dollars a year but pay almost nothing to the state in return.

It's unfair, and it's just not right.

Clearly, as I've said for a year now, without fundamental changes in our tax structure we will be unable to prepare our people for tomorrow. Without it, you will be forced to cut basic state services.

I know no one wants to cut services in their districts, but what options do you propose? What cuts can you make that affect no one? In fact, most of the cuts that I hear talked about—cuts in education, cuts in employee pay and cuts in health care—will affect the most people, not the least. They'll also do grave damage to our state.

It would be a mistake to raid our transportation dollars to try to balance the budget. We don't owe a dime on our roads. Almost every dollar we take in in highway user fees goes into our highway maintenance program. Our investment in roads directly impacts our investment in local economies.

It's critical that we complete U.S. 64 from Memphis to Chattanooga and continue the economic expansion throughout that route.

It's critical that we continue our investment in the Highway 52 economic-development corridor, where we have some of the state's highest unemployment rates and some of its worst local economies.

Throughout the state, we're investing nearly \$2 billion in 504 road projects.

Which of these projects do you want to end if you use transportation dollars to balance the budget?

Why would we stop investing in something we're doing right? We have some of the best roads in the country. Interstate 40 through Tennessee was voted the best interstate in the country in a recent survey of truckers. In that same survey, Tennessee's rest areas ranked in the top five nationwide.

We shouldn't tap into our transportation dollars to balance this budget.

It also would be a mistake to balance the budget with the money we receive from the national tobacco settlement.

We cannot continue to turn to non-recurring revenue to fund recurring expenses.

Together, with the help of this Legislature's bipartisan leadership, we will look for the most effective uses of this money and reach agreement that it should go toward addressing some of the state's long-term needs.

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My vision for a better Tennessee is about children. It's about creating the opportunities for our children to be healthier, better educated and better paid than any child in America.

What better way to ensure an educated population than to reach our at-risk children before they have the chance to start kindergarten unprepared, to invest in our K through 12 programs and to make our institutes of higher learning among the best in the nation?

Thanks to the cooperation of the General Assembly, the state last year invested over \$3 million to set up 30 early childhood development classes serving 600 low-income preschoolers across the state.

This year, I propose we invest another \$12 million in our state's at-risk, preschool population.

Such an investment would touch the lives of another 2,400 children. It also would get us closer to the State Board of Education's goal of reaching all 12,000 children in need by the year 2005.

The better job we do of preparing our kids now, the less likely they are to turn to the state for help later.

We have three bright, young students with us in the gallery this evening who serve as true testaments to the power of early investment.

Please join me in welcoming Precious Springfield, Norvell Pickens and Andrea Smith. Precious, Norvell and Andrea all attended preschool at Anderson Early Childhood Center in Haywood County. Prior to preschool they were considered at-risk and unprepared to enter kindergarten.

Now, each of these promising third-graders has spent three straight semesters on the honor roll. Andrea and Norvell scored in the 94th percentile on their achievement tests. Precious scored in the 95th percentile. These children have gone from at-risk to the top of their class.

Andrea... Norvell... Precious... We're very proud of you.

With these kinds of results, we can't afford NOT to invest.

We must continue our commitment to fully fund the state's Basic Education Program. Even the toughest of budgetary times have not stopped our administration, or this General Assembly, from honoring that obligation.

Test scores have risen as a result, but Tennessee students still aren't where they need to be. It shouldn't take a court order to convince us to invest in our children's futures.

In 1992, rather than changing the tax structure, the state passed a half-cent sales tax increase to meet its education funding needs.

That still only funded about a third of what's been invested in K through 12 education in the past decade.

Through responsible budgeting, we've increased education spending in Tennessee by more than a billion dollars a year. That's almost double what the state spent on K through 12 in 1990.

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We, as elected officials ... as public servants ... should consider why we're here. I think we're here to make things better for future generations. I think we were elected to come up here and create the kinds of opportunities that will allow Tennessee's children to grow up to be anything they want to be.

To do that we have to make sure we have qualified and effective teachers in our classrooms. Today's teacher shortage is affecting nearly every state of the Union, and every governor of every state recognizes that the only way to attract and keep good teachers is to offer competitive salaries and proper classroom funding.

My budget gives Tennessee's teachers a 3 percent pay raise come July 1. It provides money for valuable training and the completion of the state's educational computer network.

And it includes \$5 million to help relieve school systems across the state that are experiencing extraordinary growth.

My budget also includes money to handle growth at our higher education facilities and offset the cost of rising tuition rates for those who can least afford them. The infusion of funds for our Student Assistance Awards will make college affordable for nearly 8,000 more students.

Faculty at our UT and Board of Regents systems will receive an average 6 percent pay raise effective July 1. Even then, it will take comparable raises the next two years straight to get our faculty pay on par with others in the Southern region.

The investments I propose will improve our university libraries, boost instructional and laboratory budgets, upgrade campus equipment, improve building maintenance and address critical equipment replacement needs at our university medical units, vet school and space institute.

I propose we invest \$30 million in state funds over the next two years, combined with \$120 million that UT has committed to raise, into helping UT double its federal research and development grants.

That would help put UT among the top 25 public research universities by 2007.

With that status, we would be in a far better position to keep our best and brightest students here instead of losing them to neighboring graduate programs in Georgia, North Carolina or Virginia.

The economic impact would be enormous.

In Seattle, which is home to one of the top public research universities in America, 60 percent of small businesses have direct or indirect relationships with the university.

Birmingham, Alabama had 21 companies organize there in the last two years as a result of research conducted at the University of Alabama at Birmingham, the top public-research university in the South.

Investment breeds investment.

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I propose we invest in system-wide technology improvements to make higher education more accessible to every Tennessean, no matter where they live.

Investment now in that kind of distance learning will help eliminate the high cost of bricks and mortar associated with traditional campus expansions.

Throughout my five years in office, we have mapped out spending priorities.

We focused on putting more criminals behind bars and providing health care for our citizens. My budget continues our investment in these areas, including an additional \$25 million for our court systems, child support enforcement, prison costs and trooper training.

I want to continue the excellent work of our Juvenile Justice Reform Commission by working with the General Assembly to come up with a comprehensive solution to the serious issue of juvenile crime.

Let's also work together to enact legislation authorizing innovative, public charter schools in Tennessee so that parents and teachers will have more flexibility and a greater voice in their children's education.

In health care, let's recognize that our health care costs – like everyone else's – have risen sharply.

It's important to remember that TennCare includes mental health care, nursing home care and care for our mentally retarded.

And while it accounts for one-fourth of our total budget, it's important to remember that the medical-service portion of TennCare still has cost us less than Medicaid.

We spend roughly one thousand dollars less per TennCare recipient than our neighboring states spend on Medicaid. And for every dollar we do put in, we get a \$2 match from the federal government.

With TennCare, we help more people at less cost. A key factor in that success is our network of providers, many of whom have stuck with us through some tough times. For that, we thank you.

That's why we've been able to provide health insurance coverage to a half-million Tennesseans who otherwise would not have it. It's why folks coming off welfare can still access affordable health care.

Many of you say the way to balance the budget is to just cut those half a million Tennesseans from the TennCare program.

Let me tell you the consequences of that. Local hospitals, particularly rural ones, will go bankrupt. Charity care will force dramatic property-tax increases in local communities.

TennCare is worth saving.

It's worth investing an additional \$132 million so we can implement at-home care options for our elderly, provide fiscally responsible reimbursements to our managed care and behavioral health organizations and improve program management.

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I've included an additional \$6 million for mental health community services. By now, we all realize the importance of offering our mentally ill options over institutions.

I look forward to working with this General Assembly to implement the proposed changes in the state's mental health and mental retardation code presented just last week by the Title 33 Commission. Some of the members of that commission are in the audience tonight, and I want to thank you.

This budget also recognizes the importance of home-based care for our elderly and disabled. I've included \$5 million for long-term care solutions for 4,500 of our elderly and disabled who don't qualify for Medicaid services.

Another \$11 million is dedicated to helping our Medicaid-eligible elderly and disabled receive care at home instead of a nursing home.

I asked you earlier to think about our state's future. When I think about it, I envision excellence. The budget I've outlined this evening puts us on that path.

Many have pronounced my vision for the future dead on arrival. I refuse to accept that pronouncement.

I think it's time for Tennesseans to speak up and help me fight for our children. If the future of Tennessee is not worth fighting for, what is?

We all recognize that the tough decisions we must make now may cause political discomfort in the short term. But when future generations look back on what happened in this place at this time in the executive and legislative branches, they will understand we did what was necessary to choose opportunity over decay. We did what was right.

Invest or regress. That is our choice.

In closing, I'd like to share something with you that my son Deke gave to me for Christmas. It's from an inspirational plaque that I keep on my desk to remind me what it's all about when the going gets tough:

"Excellence is the result of caring more than others think is wise, risking more than others think is safe, dreaming more than others think is practical and expecting more than others think is possible."

My friends, let us choose excellence.

Thank you. May God bless Tennessee and the United States of America.

Mr. President Wilder relinquished the gavel to Speaker Naifeh, as President of the Joint Convention.

President Naifeh stated, "The purpose for which this Joint Convention was called having been accomplished, the Joint Convention stands dissolved."